

Patent

Remarks

In the Office Action mailed March 29, 2006, the claims are provisionally rejected under the judiciary created, non-statutory double patenting. Applicants respectfully request to defer the submission of a terminal disclaimer until the provisional rejections become permanent. Claims 21-22, 24-27 and 29-49 are rejected under 35 USC §102(e) as being anticipated by U.S. Patent 6,724,403 to Santoro et al.(hereinafter "Santoro"). Claims 23 and 28 are rejected under 35 USC §103(a) as being unpatentable over Santoro in view of U.S. Patent 6,360,252 to Rudy et al. (hereinafter "Rudy"). Applicants have significantly amended each independent claims to overcome the rejections.

Response to Rejection under 35 USC §102(e)

In response to the rejection of claims 21-22, 24-27 and 29-49 as being anticipated by U.S. Patent 6,724,403 to Santoro, Applicants respectfully request reconsideration of the rejections in view of the following remarks and in view of the amendments to each independent claim. Before addressing the amendments to the claims, Applicants note that the newly cited Santoro patent fails to disclose or suggest enabling access by a user, remote from a cellular telephone by way of a webpage for a user associated with a wireless service provider for the cellular telephone, to the plurality of picture files and the information which has been changed by a user interface on the cellular telephone. While it is suggested in the Office Action that the step of enabling access by a user, remote from a cellular telephone, by way of a webpage for a user associated with a wireless service provider is disclosed in col. 23, lines 1-18 and lines 60-67 (both relating to Fig. 26 of Santoro). Applicants submit that Santoro clearly fails to disclose the step of enabling access as claimed in each of the independent claims. Applicants respectfully submit that Fig. 26 of Santoro discloses one specific embodiment of a client-server feature of providing information directly to the client device. While information according to the system of Santoro is normally provided to the client device by way of the server 2602, the server of the embodiment of Fig. 26 may enable information to be provided to the client device by the third party web-site. That is, if the client device which is logged on to the server were a cellular telephone, there is no teaching or suggestion that a user could separately access the plurality of pictures remotely from the

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cellular telephone as claimed. Applicants respectfully submit that Santoro fails to disclose or suggest enabling access by a user, remote from a cellular telephone, by way of a webpage for a user to the plurality of picture files as claimed.

However, in order to further distinguish Applicants' claims over Santoro, Applicants have amended the claims to more clearly define Applicants' selection option feature for displaying a subset of a plurality of picture files on a display of a cellular telephone. In particular, Applicants have amended each independent method claim to include steps of:

- (i) providing a separate selection option for each picture file of the plurality of picture files when the plurality of picture files is displayed on the cellular telephone;
- (ii) enabling a user to separately select a selection option for each picture file of the plurality of picture files; and
- (iii) displaying a subset of the plurality of picture files on the display according to a selected display function, the subset comprising picture files selected by way of the selection options associated with the plurality of picture files.

Applicants have amended claims 34 and 38 to claim the selection option as a selection box which may be selected by a user. Applicants have also amended claim 39 in view of the amendment to claim 36.

Applicants have similarly amended both the user interface and the display of the apparatus claim 41 to further distinguish Applicants' claims over Santoro. In particular, Applicants have amended claim 41 to indicate include:

a user interface coupled to the control circuit and enabling the user to access the plurality of picture files, the user interface enabling a user to separately change information and display options displayed with each picture file of the plurality of picture files; and

a display coupled to the control circuit and displaying the plurality of picture files, each picture file of the plurality of picture files being simultaneously displayed with a separate selection option when the cellular telephone is in a first mode, wherein a subset the plurality of picture files selected by the selection options are separately displayed according to a selected display function when the cellular telephone is in a second mode.

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Applicants respectfully submit that claim 41 as amended clearly distinguish over Santoro. That is, Santoro fails to disclose or suggest a user interface enabling a user to separately change information display and options displayed with each picture file of the plurality of picture files. Santoro also fails to disclose or suggest displaying a plurality of picture files being simultaneously displayed with a separate selection option when the cellular telephone is in a first mode, wherein a subset the plurality of picture files selected by the selection options are separately displayed according to a selected display function when the cellular telephone is in a second mode. Applicants respectfully submit that dependent claims 42-49 are also allowable for the same reasons that independent claim 41 is allowable, and respectfully request reconsideration of the rejection of claims 41-49.

Response to Rejection under 35 USC §102(e)

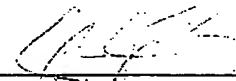
In response to the rejection of claims 23 and 28 as being unpatentable over Santoro in view of Rudy, Applicants respectfully submit that claims 23 and 28 are allowable over the combination of references for the same reasons that independent claims 21 and 26 are allowable. While Rudy is cited for disclosing the process of receiving a picture file at a cellular telephone as an attachment to an email, Rudy also fails to disclose or suggest the elements of the independent claims, including enabling access by a user, remote from a cellular telephone, by way of a webpage for a user associated with a wireless service provider for the cellular telephone, or displaying a subset of the plurality of picture files on the display, the subset comprising picture files selected by way of the selection options associated with the plurality of picture files. Applicants respectfully submit that claims 23 and 28 are allowable over the combination of references in view of the amendments to independent claims 21 and 26, and respectfully request reconsideration of the rejection of claims 23 and 28.

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Conclusion

Applicants respectfully submit that the claims as amended clearly distinguish over the cited references, and that the claims are in allowable form.

Respectfully submitted,



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